

**CIVIL DOCKET**  
**UNITED STATES DISTRICT COURT**

**BARROW**  
**Jury demand date:**

70-C-396

D. C. Form No. 106A Rev.

TITLE OF CASE	ATTORNEYS
<p>WILLIAM F. PITZER and MYRTLE M. PITZER, husband and wife</p> <p>vs</p> <p>ROBERT W. PHILLIPS and DELORES G. PHILLIPS, husband and wife, The 1200 Corporation, First City Bank of Springfield, Missouri, a corporation, Bill Giller, an individual, the <del>Small Business Administration</del> United States of America            Dave Smith, Dale E. Eyman, Jr., d/b/a Bliss Ltd., and Joseph Turner (added by amended complaint)</p> <p><u>Additional counsel:</u>            Jones, Givens, Brett, Gotcher &amp; Doyle            1700 Fourth Natl. Bank Bldg.            Tulsa 74103</p> <p>James R. Winnie (U.S.A.)            501 Mercantile Bldg.            Okla. City, Okla. 73100</p> <p>David Smith &amp; Dale E. Eyman, Jr.            700 West Campbell Ave.            Phoenix, Arizona 85013</p> <p>Michael L. Green            Wright Bldg.            Tulsa, Okla. 74103</p>	<p><b>For plaintiff:</b>            FARMER, WOOLSEY, FLIPPO &amp; BAILEY            Lawrence A. Johnson            602 National Bank of Tulsa Bldg.            Tulsa, Oklahoma 74103 (585-1181)</p> <p><del>Jms. Jessup (First Mortgagee)</del>  <del>Boone, Ellison &amp; Smith</del>  <del>World Bldg.</del></p> <p><b>Receiver- Everett Johnson</b>            (Tulsa Fed. S. &amp; L.)            123 E. 5<sup>th</sup> N            74103</p> <p><b>For defendant:</b>            W. J. Chronos (for Bill Geller)            Mayo Building            Tulsa, Ok. 74103 (587-8107)</p> <p>Boone, Ellison &amp; Smith (1st City Bank of 914 World Building Springfield Tulsa, Oklahoma)</p> <p>Doerner, Stuart, <sup>Robt. F. Biolchini</sup> Saunders, Daniel &amp; Langenkamp; Dickson M. Saunders            1200 Atlas Life Building, Tulsa, Okla. (1200 Corporation)</p> <p>Ollie W. Gresham            905 Mayo Building            Tulsa, Okla 74103 (for Joseph Turner)</p>

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 1-1-71	Clerk	1970 12-21	Johsnon	15 00	
		12-23	C.D.No. 28		15 00
J.S. 6 mailed 12-1-71	Marshal		For Defendants (Cont)		
			Nathan G. Graham (USA)		
Basis of Action: Default of mortgage & note	Docket fee		Robert P. Santee		
	Witness fees		460 U.S. Courthouse, Tulsa 74103		
Action arose at:	Depositions		Jay Dalton, Mayo Bldg., Tulsa, Okla.		

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-21-70	Complaint filed. Summons issued.	
12-21-70	Plaintiff's Application for receivership, filed. v <i>Johnson et al</i>	
1-5-71	Return on service of summons filed. Served First City Bank of Springfield, Mo. by serving L. K. Smith, Atty, at Tulsa, Oklahoma on 12-22-70. (\$3.00) Served the 1200 Corp. by serving Dickson Saunders, at Tulsa, Oklahoma on 12-22-70. (\$3.00) Served Bill Giller at Tulsa, Oklahoma on 12-23-70. (\$3.72). Served Small Business Administration by serving U. S. Attorney's office and Attorney General on 12-22-70. (\$3.00) ds	
1-6-71	Notice of Hearing filed. Hearing on plaintiffs' application for appt. of a receiver to be heard 1-12-71 at 10:00 A.M. Notice made by L. Johnson.h	
1-11-71	Motion of SBA to join for appointment of Receiver filed.h	
1-11-70	✓ Answer and Cross-Petition (Complaint) of First City Bank of Springfield, Missouri, filed. b	
1-12-71	Hearing held on Plaintiff's Application for Receivership. It is ordered that Everett Johnson is appointed Receiver, and his bond fixed in the amount of \$20,000 as per Journal Entry to be filed. (AEB-J)h	
1-12-71	Order appointing receiver (Everett S. Johnson) and directing him to file an undertaking in sum of \$20,000.00, filed. (AEB-J)m	
1-12-71	Receiver's bond in the amt. of \$20,000.00, filed. Surety, The Continental Casualty Company. m	
1-14-71	Application of the 1200 Corporation for extension of time in which to answer, filed.	
1-14-71	Order filed, that The 1200 Corporation is granted an additional 5 days to answer. (JHPoe-Clerk)	
1-14-71	✓ Answer of the defendant, The 1200 Corporation, filed. b	
1-19-71	Amended complaint filed. Leave of court granted to file Amended Complaint attached. (AEB-J) ds Summons issued to 3 new defts of complaint and amended complaint. m	
1-21-71	Summons returned, filed -served Joseph Turner by serving Ollie Gresham on 1-20-71 at Tulsa, Okla. (Fee \$3.00)b	
1-27-71	✓ Defendant, Joseph Turner's, answer, filed. ds	
2-8-71	Return of U. S. Marshals Service and Summons. Served Delores G. Phillips by serving Paul Gunn, son in Mesa, Arizona, on 2-2-71 (Fee \$4.00) Served Robert W. Phillips by serving son=Paul Gunn on 2-2-71 at Mesa, Arizona. (Fee 34.96)	
2-17-71	Plaintiff's Stipulation of Substitution of Party Defendant. filed. r	
2-18-71	Report of receiver of Metrol Plaza Hotel covering findings and operations for 19 days, Jan. 13 to Jan. 31, 1971, inclusive, filed. m	
2-19-71	✓ Answer of deft. U.S.A. & cross-complaint, filed. m	
2-22-71	Motion to Dismiss for lack of Jurisdiction of the Defendants, Robert W. Phillips and Deloris G. Phillips, filed. r	
2-22-71	Brief in support of Motion for Dismiss for Lack of Jurisdiction of the Defts., Robert W. Phillips and Delores G. Phillips, filed. r	
2-22-71	Order granting pltf 10 days from this date to respond to the Defts Motion to Dismiss for Lack of Jurisdiction of the Deft., (AEB-J)r	
2-24-71	Application of receiver for order directing the deft. First City Bank of Springfield, to pay debt of Metro Plaza Hotel, filed. m	
2-24-71	Brief in support of receiver's application for order directing the First City Bank of Springfield to pay escrow to Westinghouse Electric Corporation, filed. m	
2-24-71	Ordered that defendants file responsive brief within 10 days to above application of receiver. (AEB-J)m	
2-26-71	Plaintiffs' response to defendant, Phillips' motion to dismiss, filed. ds	

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-2-71	Response of deft. USA to receiver's application for order directing deft. First City Bank of Springfield to pay debt of Metro Plaza Hotel, filed. m	
3-5-71	Response of First City Bank of Springfield to receiver's application, filed. b	
3-26-71	Stipulation of facts regarding Receiver's application for order directing defendant First City Bank of Springfield to pay debt of Metro Plaza Hotel, filed. ds	
4-1-71	Second report of the receiver of the Metro Plaza Hotel, filed. ds	
4-2-71	Order directing defendant First City Bank of Springfield to disburse escrow and trust funds, filed. ds	
4-12-71	Summons, returned & filed: served Dale E. Eyman at Phoenix, Ariz., 2-4-71 (USM \$5.20); served Dave Smith by serving Eyman (per Larry Johnson - see Marshal's return) at Phoenix, Ariz. on 4-6-71. (USM \$10.72)g	
4-26-71	Third report of the receiver of the Metro Plaza Hotel, filed. ds	
4-30-71	Mortgagees' bond in the amt. of \$20,000.00, filed. Surety, Continental Casualty Company. m (Approved by Judge Barrow)	
4-30-71	Order, filed, that the Receiver Everett S. Johnson is temporarily relieved from responsibilities as Receiver from 5-1-71 to 6-1-71; further ordered that pltf's & first mortgagees are placed in temporary possession & management of Metro Plaza Hotel during this period only & to make report to Court the results of their operation in same manner as the receiver has done. (AEB-J)m (copies mailed)	
5-20-71	Affidavit to obtain service by publication filed.h	
5-20-71	Notice by publication filed .h	
5-27-71	Affidavit of mailing, filed by attorney for plaintiff. ds	
6-2-71	Proof of Claim of the Okla. Employment Sec. Comm in the sum of \$666.02, filed. r	
6-16-71	Plaintiff's report of mortgagees in possession dated 5-31-71, filed. ds	
7-9-71	Receiver's Statement of Condition, filed. js	
7-15-71	Plaintiff's motion to set case for hearing, filed. ds	
8-9-71	Report of receiver of statement of condition of Metro Plaza Hotel through July 31, 1971, filed. ds	
9-9-71	Notice of hearing motion, filed. g	
9-9-71	Hearing on motions held. Parties present. Witness sworn: Everett Johnson, Receiver. Plaintiffs' motion to establish the respective priority of heirs in their relation to the total property is ruled on by the court and parties stipulate to priority. Plaintiffs' motion to compensate the receiver for his services is granted in the amt. of \$11,200.00. Report of Receiver of Statement of Conditions of Metro Plaza Hotel through Aug. 31, 1971 filed in open court. It is ordered that Plaintiffs' motion to terminate the receivership and Plaintiffs' motion to order the foreclosure and sale of the property and Motion to dismiss is passed to Tuesday, Sept. 21, 1971 at 10:00 A.M. (AEB-J)h	
9-15-71	Order Sustaining Motion to Dismiss filed by the defendants, Robert W. Phillips and Delores G. Phillips filed.h	
9-21-71	Hearing held on motions. Exhibit # 1 offered and admitted. Lawrence Johnson to prepare brief to assist court, and hearing on motions passed to Tues. Oct. 5, 1971 at 10:00 A.M. (AEB-J)h	
10-5-71	Amended proof of claim of the Oklahoma Employment Security Commission in the sum of \$814.14, filed. ds	

Over

DATE	PROCEEDINGS	Date Order or Judgment Noted
10-5-71	Report of receiver of statement of condition of Metro Plaza Hotel through September 30, 1971, filed. ds	
10-5-71	Brief of Defendants, Robert W. Phillips and Delores G. Phillips; on tender after acceleration, filed. v	
10-5-71	Case called for decision on plaintiffs' motions. Statements made. It is ordered that hearing is passed and Lawrence A. Johnson is granted 5 days to respond to defendant's brief, and hearing passed pending filing of response. (AEB-J)h	
10-6-71	Brief of William E. Pitzer and Myrtle M. Pitzer, Husband and Wife, concerning their right of acceleration after default, filed. v	
10-8-71	Brief of Defendant, United States of America, (SBA), filed. v	
10-21-71	Second amended proof of claim of the Oklahoma Employment Security Commission in the sum of \$1,152.89, filed. ds	
11-10-71	Application for enlargement of time to answer, filed. ds <i>judge has order</i>	
11-11-71	Plaintiff's memorandum of law, filed. ds <i>to explain</i>	
11-11-71	Brief of Defendant, U.S.A., substituted party for its agency and Instrumentality, Small Business administration, filed. r	
11-15-71	Separate answers and cross-claim of defts. Robert W. Phillips and Delores G. Phillips: answer to complaint; answer to cross-claim of debt. USA; answer to cross-claim of debt. First City Bank of Springfield, Mo.; cross-claim of defts Phillips & Phillips against defts. Dave Smith & Dale E. Eyman, Jr. d/b/a Bliss, Ltd., filed. m	
11-16-71	Report of Receiver of statement of condition of Metro Plaza Hotel through October 31, 1971, filed. ds	
11-16-71	Application for additional receiver's fees, filed. ds <i>to assign page to reply</i>	
11-16-71	Application of attorneys for receiver for fees, filed. ds <i>brief needed</i>	
11-17-71	Brief in support of application for attorney fees, filed. ds	
11-18-71	Motion of defts. Phillips & Phillips for hearing on application of attorneys for receiver for fees, filed. m <i>order to judge</i>	
11-24-71	Journal Entry of Judgment-- <u>Plaintiffs are awarded a judgment of and from the Deft.s, Robert W. Phillips and Delores G. Phillips, in the amount of \$136,524.82, plus interest at the rate of 10% per annum from Dec. 1, 1970; Court also adds \$16,010.00 as costs for attorney fees.</u> <u>Defendant, First City Bank of Springfield, Missouri, is awarded judgment of and from the Deft.s, Robert W. Phillips and Delores G. Phillips, in the sum of \$98,817.36 with interest at the rate of 8% per annum from and after July 23, 1970, together with attorney fee in the amount of \$9,891.73.</u> <u>Deft., U.S.A., is awarded judgment of &amp; from the Deft.s, Rbt. W. Phillips and Delores G. Phillips, in the sum of \$47,970.00 with interest at the rate of \$401.56 and interest accruing at the rate of \$3.997564 per day from the 22nd of Jan., 1971.</u> <u>Deft., The 1200 Corp., is awarded judgment of and from the Deft.s, Rbt. W. Phillips and Delores G. Phillips, for and in the sum of \$369.20 with interest of 8% until paid with attorney fee in the amount of \$200.00.</u> <u>Deft., Josheph Turner, is awarded judgment of and from the Deft.s, Rbt. W. Phillips and Delores G. Phillips, in the amount of \$13,000 with interest at the rate of 10% per annum from July 29, 1970 with attorney fee in the amount of \$1,350.00.</u>	

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D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
11-24-71	Continued Journal Entry of Judgment-- Deft., Bill Giller, is awarded judgment of and from the Deft., Rbt. W. Phillips and Delores G. Phillips, in the sum of \$1,474.19 with attorney fee in the amount of \$500.00. Intervening Deft., State of Okla. ex rel. & Okla. Employment Security Commission is awarded judgment of and from the Deft.s, Rbt. W. Phillips and Delores G. Phillips, for and in the sum of \$814.14. Deft.s, Dave Smith and Dale E. Eyman, Jr., a partnership d/b/a Bliss Limited, are forever barred from claiming any right, title, lien, estate, or interest in & to the property adverse to the Pltf.s or to the Cross- Petitioning Deft.s. Ordered that the Receiver, Everett S. Johnson, is awarded a Receiver's Fee in the sum of \$11,200.00, to be taxed as costs herein. Further ordered that upon the failure of the Deft.s to comply with said judgment, interest, attorneys fees and costs, there will be an appraisal and sale of said land to meet the costs. If such a sale takes place, afterwards the Defts. Rbt. W. Phillips and Delores G. Phillips, Dave Smith, and Dale E. Eyman, Jr., are forever barred from the rights and etc. concerning said lands, tenements or etc. (AEB-J)v <i>copies mailed to all but Rec. Everett Johnson</i>	
11-26-71	Praecipe for Execution and order of sale, filed and Execution issued.v	
12-1-71	Report of attorneys for receiver, filed. ds	
12-6-71	Defts' Motion for Relief from Judgment, filed. r	
12-6-71	Brief in support of Motion for Relief from Judgment, Motion for New Trial and Motion for stay of execution, filed. r	
12-6-71	Ordered by the Court that Pltfs are granted 10 days from this date to respond to Defts' Motion for Relief from Judgment, (AEB-J)r	
12-8-71	Report of Receiver of Statement of Condition of Metro Plaza Hotel through November 30, 1971, filed by pltf. Filed. r	
12-8-71	Pltf's Objection to Proposed Order of First City Bank of Springfield, filed. r	
12-10-71	Plaintiff's response to defendants' motion for relief from judgment, filed. ds	
12-14-71	Response to objection to proposed order of First City Bank of Springfield, filed. v	
1-13-72	Report of receiver of statement of condition of Metro Plaza Hotel, through 12-31-72, filed. ds	
1-18-72	Receiver and attorneys for receivership exception to findings of magistrate, filed. hm <i>agreed to judge's findings</i>	
1-20-72	Oath of appraisers with appraisal of \$237,500.00, filed. g	
1-20-72	Order overruling motion for relief from judgment, overruling motion for new trial, and overruling motion for stay of execution pending disposition of motion addressed to judgment and motion for new trial filed by Robert W. Phillips and Delores G. Phillips, filed and entered. (AEB-J)hm (copies mailed)	
1-21-72	Recommendations of Magistrate, filed. g	
1-21-72	Order sustaining recommendations of Magistrate that Receiver Everett S. Johnson be paid a total fee of \$15,000.00, and that the attorneys for the Receiver be awarded only the sum of \$16,010.00 heretofore allowed by the Court, filed and entered. (AEB-J)g	
1-21-72	Order overruling exceptions to recommendations of the Magistrate as to fees, filed. (AEB-J)g (copies of 3 documents, mailed)g	
1-24-72	Proof of publication, filed (fee \$73.52) rm	
1-24-72	Execution and order of sale, filed. (JHP, by JOS, Clerk) rm	

DATE	PROCEEDINGS	Date Order or Judgment Noted
1-24-72	Notice of Sale, filed. rm	
1-24-72	US Marshal's return of sale, filed. Property sold on 1/24/72 to pltf's. for sum of \$185,127.56. rm	
1-24-72	Motion of plaintiffs to confirm marshal's sale, filed. rm <i>Order temporarily in lieu</i> <i>(no delay necessary - do not send out motions letter - per JHP-Poe)</i>	
1-27-72	Affidavit of Pamela J. Ward, filed. ds	
1-28-72	Objections of First City Bank of Springfield, Mo., to Confirmation of Marshal's Sale, filed. v	
2-1-72	Minute Order: Ordered that hearing on motions to confirm sale and hearing on objections to confirm sale, is set for Friday, 2/18/72, at 10:00 a.m. (AEB-J) rm <i>notice mailed (still stands - heard after 7:00)</i>	
2-1-72	Motion of defs. Phillips for denial of confirmation of marshal's sale, filed. rm	
2-1-72	Brief of defs. Phillips in support of motion to deny confirmation of marshal's sale, filed. rm	
2-2-72	Ordered that John H. Poe, Clerk, conduct pre-trial hearing on motion to confirm sale & objections to confirm sale Monday 2-7-72 at 11:00a.m. in Judge Barrow's conference room. (AEB-J)hm (notices mailed)	
2-7-72	Pltfs' response to defts' objections to confirmation, filed. hm	
2-7-72	Stipulation of parties, filed. ds copies mailed.	
2-8-72	Plaintiffs' list of witnesses, filed. ds	
2-9-72	Motion of defendants, Smith and Eyman to extend time to file reply to crossclaim of defendants Phillips, filed. ds	
2-9-72	Plaintiff's bill of costs, filed in sum of \$4,486.03. Set for hearing on 2-21-72. ds	
2-9-72	Minute Order: Ordered by the Clerk that date of hearing on plaintiffs bill of costs be changed from 2-21-72 to 2-22-72, as 2-21-72 is a Federal Holiday. (JHP-Cl) ds copies mailed.	
2-9-72	List of witnesses for First City Bank of Springfield, Missouri, filed. hm	
<del>2-9-72</del>	<del>Bill of Costs in amt of \$4,486.03 filed.h</del>	
2-9-72	List of Witnesses for Robert W. Phillips and Delores G. Phillips, filed.v	
2-15-72	Report of receiver of statement of condition of Metro Plaza Hotel through 1-31-72, filed. ds	
2-18-72	Case called for hearing on motion to confirm sale and objections. Parties present and represented. Statements made. It is ordered by the court the parties are directed to file simultaneous briefs within 10 days on the question of jurisdiction, and hearing on motions stricken and passed. (AEB-J)h	
2-22-72	Cost hearing held before Clerk. Pltf. appeared by Lawrence Johnson; deft. First City Bank of Springfield appeared by James Jessup. Court costs denied by reason of late filing of bill of costs, Woods Const. Co. vs Atlas Chemical Industries, 10th Circuit, 1964, 337 fed 2d 888, without prejudicing the following costs of sale: printing notice of sale, \$73.52; fee for appraiser, \$1500.00; marshal's fee for holding sale, \$2,806.91, which costs are by judgment in the case reimbursable or payable as a first priority from the proceeds of sale. (JHP-Clerk)hm	
2-22-72	Motion of receiver for order to close hotel, filed. g	
2-22-72	Brief of pltf. in support of Court's jurisdiction, filed. g	
2-25-72	Ordered that Receiver close the Metro Plaza Hotel a.s.a.p. and conserve assets until further order of court. (AEB-J) rm (copies mailed)	
2-25-72	Memorandum brief of deft. First City Bank of Springfield, Mo., concerning jurisdictional aspects of this case & objections to confirmation of sale of the subject matter realty, filed. hm <i>(copy to JHP-Poe)</i>	



DATE	PROCEEDINGS	Date Order or Judgment Noted
2-28-72	Brief of USA in support of Court's jurisdiction, filed. hm	
2-28-72	Brief of Deft.s Robert W. Phillips and Delores G. Phillips in Support of Court's Equitable Power to Stay Proceedings, filed. v	
3-9-72	Application of receiver for instructions as to further actions, filed. rm	Copy to Main
3-10-72	Report of receiver of state of condition of Metro Plaza Hotel thru February 29, 1972, filed. ds <i>sent to Treasury</i>	
3-21-72	Motion to Extend time for Appeal, and Affidavit of Stephanie K. Bartlett, filed. v	
3-22-72	Hearing held. Parties present & represented. Court states findings and rules that there appeared to be no fraud. It is ordered that the objections to confirmation of sale, of First City Bank of Springfield, Mo., are hereby overruled, and Sale of U.S. Marshal is confirmed and sustained. Proper order to be prepared by Lawrence A. Johnson. Plaintiff moves to terminate receivership and exonerate bond of the receiver; Def. 1200 Corp and Phillips objects to termination until sale completed, and objection granted until Tues. March 28, 1972 at 11:00 A.M. for hearing on final disposition. Application of 1200 Corp. and Phillips to extend time to file notice of appeal is taken under advisement. (AEB-J)h	
3-23-72	Order Approving United States Marshall's Sale, filed. (AEB-J)v	called L. Johnson
3-23-72	Motion of the U.S.A. for Deficiency Judgment, filed. v	
3-27-72	Plaintiffs' Objection to Extension of time to file notice of Appeal and Brief, filed. v	
3-28-72	Hearing held on Application of Deft.s for extension of time to file notice of appeal and Motion of U.S.A. for Deficiency Judgment. Parties present and represented. The appl. for extension of time is Denied by the Court. Deft., 1200 Corp. & Phillips-Atty. Biolchini, is given 3 days to file brief. Pltf. submits appraisal to the Court. Everett Johnson, Receiver, asks court for additional fees. Deft., 1st City Bnk of Springfield-atty. Jessup, objects. Court awards \$2,500.00 additional fees to Rec. L. Johnson asks Court for additional fees--Court denies such request. RE: U.S.A.'s Motion for Deficiency Judgment: 1st City Bnk of Springfield (Jessup) makes oral motion for Def. Judgment. Biolchini for 1200 Corp. & Phillips, makes objection. Court determines that \$230,000.00 is Fair Market Value and any Def. Judgment shall be based on such. Jessup is to prepare order on determination of Fair Market Value. L. Johnson is to prepare order on himself being appt. receiver and an order concerning the Denial of the Notice of Appeal filing. James Winnie is to prepare order on Def. Judgment. (AEB-J)v	
4-3-72	Order approving Receiver's final accounting and report, awarding additional receiver's fees, discharging receive and receiver's surety, filed. ds (AEB-J)	
4-3-72	Deficiency Judgment--ordered by the Court that Deft., U.S.A., have and recover from Deft.s, Robert W. and Delores G. Phillips, a deficiency judgment in the amount of \$47,970.00 with interest of \$401.56 as of 1-22-71, with interest thereafter until paid at rate of \$3.997564 per day, filed, AND entered. (AEB-J)v	
4-3-72	Motion of First City Bank of Springfield for deficiency judgment, filed. hm	Copy to order to judge
4-3-72	Application of First City Bank of Springfield for order directing payment of funds into court registry by pltf.s and receiver, filed. hm	AK Smith
4-4-72	Motion of USA to apply funds, filed. rm	orig to judge

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4-5-72	Motion of Joseph Turner to Apply Proceeds to Judgment, filed. v	MC.
4-7-72	U.S. Marshals Service, Return on Notice of Sale and Order, filed. Sold Bliss Hotel on 1-24-72 with the following fees: Appraisers fee is \$1,500.00: Publisher's Fee \$73.52, and Marshal's Fee \$16.20. Sold property to Pltf.s thru Larry Johnson, Atty. for \$185,127.56.v	
4-6-72	Execution issued at req. of U.S. Atty. g	
4-7-72	Order denying the Defts, Robert W. Phillips and Delores G. Phillips extension of time to file Notice of Appeal, filed.(AEB-J)r (copies mailed)	
4-10-72	Order Establishing Fair Market Value of Subject Matter Property to be \$230,000.00, filed. (AEB-J)v -copies mailed.	
4-7-72	Deficiency judgment, filed and entered, that First City Bank of Springfield, Missouri, recover from defts. Robert W. Phillips and Delores G. Phillips a deficiency judgment in the sum of \$63,441.41, with int. at rate of 8% per annum until paid. (AEB-J)hm	
4-7-72	Execution, ret. & filed: served Delores G. Phillips 4-7-72 by serving Robt. Biolchini, Atty., served Robert W. Phillips by posting on So. Door of Metro Plaza Hotel, 123 So. Boston, Tulsa, per instructions of Robt. Santee, Asst. US. Atty. g(USM \$6.00)	
4-10-72	Motion of def. 1200 Corp. for deficiency judgment, filed. rm	
4-21-72	Response to motion of Joseph Turner to apply proceeds to judgment, filed. hm	
5-2-72	Response of Joseph Turner to Mo. of First City Bank, filed. rm	
5-4-72	Response of USA to motion of First City Bank of Springfield, Mo., filed. g	
5-5-72	Pltfs' objection to proposed order, filed. hm	
5-5-72	Brief in support of objections to proposed order, filed. hm	
5-11-72	Memorandum brief of deft. First City Bank of Springfield, Mo. in support of application for order directing pmt. of funds into court registry and distribution of surplus, filed. g	
7-24-72	Motion of def., U.S.A., to confirm sale of personalty, with brief in support thereof, filed. rm - copy to atty for Phillips	
9-12-72	Order confirming sale of personalty, filed & entered. (AEB-J)g	
10-17-72	Ordered by the Court that the Magistrate conduct hearing on application of First City Bank of Springfield for order directing payment of funds into Court registry by pltf. & receiver, motion of USA to apply funds, motion of Joseph Turner to apply proceeds to judgment, motion of deft. 1200 Corp. for deficiency judgment, and pltf's objection to proposed order. (AEB-J)hm	
10-17-72	Hearing held on above motions. It is recommended that applic. of First City Bank of Springfield for order directing payment of funds into Court registry by pltf. & receiver be sustained; that motion of USA to apply funds be denied; that motion of Joseph Turner to apply proceeds to judgment be denied; that motion of deft. 1200 Corp. for deficiency judgment be granted; and that pltf's objection to proposed order be overruled. Mr. Jessup to prepare recommendations within 5 days. (MLB-Mag)hm	
10-19-72	Findings and Recommendations of Magistrate, filed. (MLB-Mag)hm (copies mailed)	
11-2-72	Order sustaining findings and recommendations of Magistrate and findings of fact and conclusions of law and judgment, filed and entered, that funds on deposit in Registry of Court as set forth in application of	



DATE

PROCEEDINGS

Date Order or  
Judgment Noted

deft. First City Bank of Springfield be distributed in toto to deft. First City Bank of Springfield; that motions of deft. USA and deft. Joseph Turner to apply such surplus funds to their respective judgments are overruled; that pltf's objections to proposed order of deft. First City Bank of Springfield are overruled; that motion of deft. 1200 Corporation for deficiency judgment is granted; that remaining portion of applic. of deft. First City Bank of Springfield is denied. (AEB-J)hm (copies mailed)

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